

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on January 30, 2015 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Gerald (Jerry) Bennett, Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Alan Doane, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Clayton Fiscus (R)
Rep. Ellie Boldman Hill (D)
Rep. Kathy Kelker (D)
Rep. Sarah Laszloffy (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. G. Bruce Meyers (R)
Rep. Matthew Monforton (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Zac Perry (D)
Rep. Andrew Person (D)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Jennifer Eck (D)
Rep. Stephanie Hess (R)
Rep. Randall Pinocci (R)
Rep. Keith Regier (R)

Members Absent: None

Staff Present: McKenzie Chambers, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 274, 1/22/2015; HB 282, 1/22/2015
Executive Action: HB 160, HB 186, HB 208, HB 227, HB 232, HB 250, HB 261,
SB15

00:01:58 Chair J. Bennett
00:02:29 Rep. Pinocci joined the meeting.

HEARING ON HB 282

Opening Statement by Sponsor:

00:04:21 Rep. Bryce Bennett (D), HD 91, opened the hearing on HB 282, Repeal statutory prohibitions regarding same sex marriage.

Proponents' Testimony:

00:09:17 Niki Zupanik, ACLU of Montana
00:10:58 Andrew Huff, Chief Legal Counsel, Governor's Office
EXHIBIT(juh21a01)
00:13:12 Dick Weaver, Self
EXHIBIT(juh21a02)
00:16:03 Linda Gryczan, Self
00:17:11 Rachel Carroll Rivas, Montana Human Rights Network (MHRN)
00:17:57 David Andersen, Self
00:19:03 Kim Leighton, Pride Foundation
00:20:21 John Ilgenfritz, Self
00:23:40 Robin Turner, Montana Coalition Against Domestic & Sexual Violence (MCADSV)
00:24:16 Su DeBree, Self
00:26:01 Patricia Kemp, Self
00:27:09 Rep. Olsen, HD 100

Opponents' Testimony:

00:28:24 Dick Pence, Billings Family Action and Big Sky Worldview Forum
EXHIBIT(juh21a03)
00:33:04 Jeff Laszloffy, Montana Family Foundation
00:35:42 Pat Plowman, Self
EXHIBIT(juh21a04)
00:37:10 Ed Halland, Self
EXHIBIT(juh21a05)
00:38:57 Rep. Hess joined the meeting.
00:40:07 Deanne Lenz, Self
00:40:50 Rep. Regier joined the meeting.
00:43:40 Arlene DeBoer, Women's Bible Study, Laurel Baptist Bible Church
00:44:57 Ann Morren, Self
EXHIBIT(juh21a06)
00:46:39 Dallas Erickson, Montana Citizens for Decency through Law (MCDL)
EXHIBIT(juh21a07)
00:49:01 Matt Brower, Montana Catholic Conference (MCC)
EXHIBIT(juh21a08)
00:50:47 Derek Skees, Self
00:52:01 Chris McVeda, Self
00:55:20 Kari Zeier, Concerned Women for America of Montana (CWA)
00:57:36 Bob Williamson, Self
00:58:06 Rep. Eck joined the meeting.

00:59:03 Don DeBoer, Self
00:59:15 Jonathan McVeda, Self
00:59:32 Jeanette Zentgraf, Self

EXHIBIT(juh21a09)

00:59:54 Jeff Phillips, Self
01:00:12 Fred Miller, Self
01:00:21 Judy Tankink, Self

EXHIBIT(juh21a10)

01:00:54 Ronalee Skees, Self
01:01:07 Rudolph Tankink, Self
01:01:27 Craig Druckenmiller, Self
01:01:51 Jeff Macpherson, Self
01:02:01 Monty Peabody, Self
01:02:09 Hailey Peabody, Self
01:02:22 Nancy Pendergast, Self
01:02:37 Jenny Pendergast, Self

Informational Testimony: None

Questions from Committee Members and Responses:

01:03:09 Rep. Monforton
01:03:28 Rep. Kelker
01:03:59 Rep. B. Bennett
01:05:06 Rep. Monforton
01:05:47 Andrew Huff, Governor's Office
01:06:56 Rep. Monforton
01:07:14 Andrew Huff, Governor's Office
01:07:22 Rep. Monforton
01:07:38 Andrew Huff, Governor's Office
01:08:12 Rep. Monforton
01:08:27 Andrew Huff, Governor's Office
01:09:06 Rep. Meyers
01:10:12 Andrew Huff, Governor's Office
01:10:57 Rep. MacDonald
01:12:12 Sue Debrisee, Self
01:15:03 Rep. Wagoner
01:16:04 Andrew Huff, Governor's Office
01:16:40 Rep. Wagoner
01:17:09 Andrew Huff, Governor's Office
01:17:41 Rep. Wagoner
01:18:12 Andrew Huff, Governor's Office
01:19:12 Rep. Kelker
01:19:49 Andrew Huff, Governor's Office
01:20:47 Rep. Kelker
01:21:21 Andrew Huff, Governor's Office
01:21:59 Rep. Hill
01:22:35 Andrew Huff, Governor's Office
01:24:02 Rep. Hill
01:24:35 Andrew Huff, Governor's Office

01:27:34 Pat Plowman, Self
 01:26:59 Rep. Hill
 01:29:23 Rep. Pinocci
 01:30:06 Derek Skees, Self
 01:30:47 Rep. Pinocci
 01:30:54 Derek Skees, Self
 01:31:44 Chair J. Bennett
 01:31:56 Rep. Person
 01:33:17 Matt Brower, MCC
 01:33:43 Rep. Person
 01:34:52 Matt Brower, MCC
 01:36:34 Rep. Wagoner
 01:37:34 Rep. B. Bennett

Closing by Sponsor:

01:38:29 Rep. B. Bennett

 01:41:37 Chair J. Bennett

 01:41:54 Recess
 02:00:35 Reconvened

 02:00:35 Chair J. Bennett

HEARING ON HB 274**Opening Statement by Sponsor:**

02:01:09 Rep. Nancy Ballance (R), HD 87, opened the hearing on HB 274, Regulating arrests, searches, and seizures by federal law enforcement.

[EXHIBIT\(juh21a11\)](#)

Proponents' Testimony:

02:03:43 Gary Marbut, Montana Shooting Sports Association (MTSSA)
[EXHIBIT\(juh21a12\)](#)
 02:12:56 Doug Nulle, Self

Opponents' Testimony:

02:14:14 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
 02:16:05 Sheriff Chris Hoffman, Ravalli County and Montana Sheriffs and Peace Officers Association (MSPOA)

 02:18:46 Sheriff Mike Linder, Yellowstone County
 02:22:59 Marty Lambert, Attorney, Gallatin County
 02:28:07 Sheriff Chuck Curry, Flathead County
 02:34:00 Sheriff Brian Gootkin, Gallatin County
 02:35:22 Rachel Carroll Rivas, Montana Human Rights Network (MHRN)
 02:38:52 Mark Murphy, Montana Association of Chiefs of Police (MACOP)
 02:40:04 Rep. Regier left the meeting.
 02:41:12 Nick Murnion, County Attorney, Valley County Attorney's Office
 02:45:50 Robin Turner, Montana Coalition Against Domestic & Sexual Violence (MCADSV)

Informational Testimony: None

Questions from Committee Members and Responses:

02:46:47 Rep. MacDonald
02:47:12 Jim Smith, MSPOA
02:47:23 Rep. MacDonald
02:47:25 Jim Smith, MSPOA
02:47:41 Rep. MacDonald
02:47:50 Rep. Kelker
02:48:26 Rep. Ballance
02:48:49 Rep. Meyers
02:49:43 Nick Murnion, Valley County Attorney's Office
02:50:12 Rep. Meyers
02:50:28 Nick Murnion, Valley County Attorney's Office
02:51:23 Rep. Fiscus
02:52:42 Mark Murphy, MACOP
02:53:33 Rep. Fiscus
02:53:59 Mark Murphy, MACOP
02:54:45 Rep. McConnell
02:55:25 Sheriff Chuck Curry, Flathead County
02:56:27 Rep. Hill
02:58:01 Nick Murnion, Valley County Attorney's Office
02:59:31 Rep. Doane
03:00:35 Sheriff Mike Linder, Yellowstone County
03:01:49 Rep. Pinocci
03:03:21 Gary Marbut, MTSSA
03:05:07 Rep. Pinocci
03:05:28 Gary Marbut, MTSSA
03:06:00 Rep. Monforton
03:06:53 Rachel Carroll Rivas, MHRN
03:07:58 Rep. Monforton
03:08:11 Rachel Carroll Rivas, MHRN
03:08:15 Rep. Monforton
03:08:19 Rachel Carroll Rivas, MHRN
03:08:23 Rep. Eck
03:08:36 Rep. MacDonald
03:09:34 Sheriff Mike Linder, Yellowstone County

Closing by Sponsor:

03:10:52 Rep. Ballance

03:14:20 Chair J. Bennett

03:14:34 Recess
03:23:50 Reconvened

03:23:50 Chair J. Bennett

EXECUTIVE ACTION ON HB 160

03:24:14 **Motion:** Rep. Doane moved that **HB 160 DO PASS.**

Discussion:

03:24:25 Helen Thigpen, Legislative Services Division (LSD)

03:24:50 **Motion:** Rep. Eck moved that **HB 160 BE AMENDED.**
EXHIBIT(juh21a13)

Discussion:

03:25:21 Rep. Kelker

03:25:51 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

03:26:11 **Motion:** Rep. Doane moved that **HB 160 DO PASS AS AMENDED.**

Discussion:

03:26:24 Rep. Court

03:27:29 Rep. Doane

03:28:01 Rep. Perry

03:28:44 **Vote:** Motion failed 9-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Regier voted by proxy.

03:29:40 **Motion/Vote:** Rep. Doane moved that **HB 160 BE TABLED.** Motion carried 20-0 by voice vote. Rep. Regier was excused.

EXECUTIVE ACTION ON HB 186

03:30:10 **Motion:** Rep. Doane moved that **HB 186 DO PASS.**

Discussion:

03:30:14 Helen Thigpen, LSD

03:30:51 Rep. Pease-Lopez

03:31:26 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 203

03:31:53 **Motion:** Rep. Doane moved that **HB 203 DO PASS.**

Discussion:

03:32:00 Helen Thigpen, LSD

EXHIBIT(juh21a14)

03:32:22 **Motion:** Rep. Doane moved that **HB 203 BE AMENDED**.

Discussion:

03:32:36 Helen Thigpen, LSD

03:35:13 Rep. Eck

03:35:33 Rep. Wagoner

03:35:52 Rep. Kelker

03:36:24 Chair J. Bennett

03:36:42 Rep. MacDonald

03:37:09 Chair J. Bennett

03:37:25 Rep. MacDonald

03:37:32 Helen Thigpen, LSD

03:38:02 Without objection, Rep. Doane withdrew the **BE AMENDED** motion.

03:38:03 Without objection, Rep. Doane withdrew the **DO PASS** motion.

EXECUTIVE ACTION ON HB 208

03:38:26 **Motion:** Rep. Doane moved that **HB 208 DO PASS**.

Discussion:

03:38:42 Rep. Person

03:40:37 Rep. Eck

03:41:07 Rep. Person

03:42:09 Rep. McConnell

03:42:14 **Motion:** Rep. Doane moved that **HB 208 BE AMENDED**.

[EXHIBIT\(juh21a15\)](#)

Discussion:

03:42:35 Helen Thigpen, LSD

03:42:52 Rep. MacDonald

03:43:18 Rep. Fiscus

03:43:37 Rep. Court

03:44:15 Rep. Person

03:44:45 Helen Thigpen, LSD

03:45:13 **Vote:** Motion carried 13-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez and Rep. Perry voting no. Rep. Regier voted by proxy.

03:46:13 **Motion/Vote:** Rep. Doane moved that **HB 208 DO PASS AS AMENDED**. Motion carried 19-2 by roll call vote with Rep. Eck and Rep. Pease-Lopez voting no. Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 227

03:47:25 **Motion:** Rep. Doane moved that **HB 227 DO PASS.**

Discussion:

03:47:35 Helen Thigpen, LSD
03:47:53 Rep. Kelker
03:48:55 Rep. Wagoner
03:49:55 Rep. MacDonald
03:50:52 Rep. Fiscus
03:51:26 Rep. Wagoner
03:52:21 Rep. Pease-Lopez
03:53:14 Rep. Court
03:54:18 Rep. Laszloffy left the meeting.
03:55:19 Rep. McConnell

03:55:46 **Vote:** Motion failed 9-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Laszloffy and Rep. Regier voted by proxy.

03:56:40 **Motion/Vote:** Rep. Doane moved that **HB 227 BE TABLED.** Motion carried 19-0 by voice vote. Rep. Laszloffy and Rep. Regier were excused.

EXECUTIVE ACTION ON HB 232

03:57:12 **Motion:** Rep. Doane moved that **HB 232 DO PASS.**

Discussion:

EXHIBIT(juh21a16)

03:57:20 Helen Thigpen, LSD

03:57:39 **Vote:** Motion carried unanimously by voice vote. Rep. Laszloffy and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 250

03:58:23 **Motion:** Rep. Doane moved that **HB 250 DO PASS.**

Discussion:

03:58:29 Helen Thigpen, LSD

03:58:52 **Motion:** Rep. Doane moved that **HB 250 BE AMENDED.**

EXHIBIT(juh21a17)

Discussion:

03:59:13 Rep. Wagoner

03:59:48 **Vote:** Motion carried unanimously by voice vote. Rep. Laszloffy and Rep. Regier voted by proxy.

04:00:07 **Motion:** Rep. Doane moved that **HB 250 DO PASS AS AMENDED.**

Discussion:

04:00:21 Rep. Hill

04:01:18 Rep. Wagoner

04:02:25 Rep. Hill

04:02:34 Helen Thigpen, LSD

04:03:20 Rep. Court

04:04:09 Rep. Pinocci

04:04:21 **Vote:** Motion carried 14-7 by roll call vote with Rep. Court, Rep. Eck, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez and Rep. Perry voting no. Rep. Laszloffy and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 261

04:04:35 **Motion:** Rep. Doane moved that **HB 261 DO PASS.**

Discussion:

04:05:43 Helen Thigpen, LSD

[EXHIBIT\(juh21a18\)](#)

[EXHIBIT\(juh21a19\)](#)

04:06:25 **Motion:** Rep. Doane moved that **HB 261 BE AMENDED.**

Discussion:

04:06:38 Helen Thigpen, LSD

04:07:08 Rep. Monforton

04:08:10 Rep. MacDonald

04:09:09 Rep. McConnell

04:09:41 **Vote:** Motion failed 9-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Laszloffy and Rep. Regier voted by proxy.

04:11:30 Rep. Monforton

04:12:26 Rep. McConnell

04:12:55 Rep. Monforton

04:13:31 **Vote:** Motion failed 9-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Laszloffy and Rep. Regier voted by proxy.

04:14:27 **Motion/Vote:** Rep. Doane moved that **HB 261 BE TABLED.** Motion carried unanimously by voice vote. Rep. Laszloffy and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON SB 15

04:14:48 **Motion:** Rep. Doane moved that **SB 15 BE CONCURRED IN.**

Discussion:

04:14:56 Helen Thigpen, LSD

04:15:22 Rep. Wagoner

04:15:29 **Vote:** Motion carried unanimously by voice vote. Rep. Laszloffy and Rep. Regier
voted by proxy. Rep. McConnell will carry the bill..

04:15:41 Chair J. Bennett

ADJOURNMENT

Adjournment: 04:16:24

McKenzie Chambers, Secretary

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Additional Documents:

EXHIBIT([juh21aad.pdf](#))